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February 17, 2021

VIA ECF

Hon. Judge Katherine P. Failla
United States District Judge
Southern District of New York
40 Centre Street
New York, NY 10007

MEMO ENDORSED

Re: Cruz v. Kona Mountain Coffee, LLC; Case No: 1:20-cv-09467-KPF

Dear Judge Failla,

The undersigned represents Plaintiff Shael Cruz (hereinafter “Plaintiff”) in the above-referenced matter.

The initial conference for this matter is set for February 25, 2021 at 10:00 a.m. It is now February 17, 2021 and Defendant has yet to appear. Defendants answer was due January 27, 2021. Plaintiff is in the process of obtaining a Certificate of Default from the Clerk of the Court as to Defendant, Kona Mountain Coffee, LLC, and will promptly be moving the Court for a Default Judgment in accordance with its Individual Rules.

In light of the above, the undersigned requests that the February 25th Conference be adjourned sine die, and further requests that Plaintiff be granted an additional 30 days in which to both obtain said Certificate of Default and present the Court with an Order to Show Cause for default judgment if Defendant fails to appear.

Thank you for your time and consideration of the above request.

Respectfully submitted,

/s/ Joseph H. Mizrahi
Joseph H. Mizrahi, Esq.

Application GRANTED. The initial pretrial conference scheduled for February 25, 2021, is hereby ADJOURNED *sine die*. Plaintiff is directed to file her proposed Order to Show Cause and supporting paperwork, in accordance with the Court's Individual Rules, on or before March 19, 2021. Plaintiff is further directed to transmit a copy of this Order to Defendant by any method of communication previously used by the parties.

Dated: February 17, 2021 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE